

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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LINDA SCHULTZ,

Plaintiff,

Case No.: 09-CV-274

v.

THE STATE OF WISCONSIN,

Defendant.

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**COMPLAINT**

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NOW COMES THE PLAINTIFF, Linda Schultz, by her attorneys Gingras, Cates & Luebke, S.C., by Paul A. Kinne, and A. Steven Porter Attorney at Law, by A. Steven Porter, and hereby states and alleges the following as her Complaint in the above referenced matter.

**NATURE OF PROCEEDINGS**

1. This is a civil action under the Equal Pay Act and 29 U.S.C. sec. 206, et seq., brought to redress the unlawful and unequal pay the Defendant implemented with respect to Linda Schultz and her male counterparts.

**PARTIES**

2. Linda Schultz (Schultz) is the plaintiff in this case. At all times relevant hereto, she has resided in Belleville, Wisconsin.

3. The Defendant, State of Wisconsin, acted as Schultz's employer at all times material hereto.

#### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over plaintiff's claims pursuant to Equal Pay Act and 29 U.S.C. sec. 206, et seq., and 28 U.S.C. §§ 1331 and 1343.

5. Venue in the Western District of Wisconsin pursuant to 28 U.S.C. § 1391 is proper insofar as the parties have significant contacts in this district, and the conduct underlying the complaint took place within the Western Judicial District.

#### **FACTUAL ALLEGATIONS**

6. Schultz, a female, began her employment with the State of Wisconsin in the 1970's.

7. In 1999, Schultz became a Research Administrator for the State of Wisconsin.

8. Schultz's employment with the State of Wisconsin ended on or about December 30, 2008.

9. During Schultz's tenure with the State of Wisconsin, she worked with several male Research Administrators.

10. The State of Wisconsin paid the male Research Administrators a higher wage than that which she received.

11. At all times relevant hereto, Schultz and the male Research Administrators performed equal work as Research Administrators, said work requiring substantially similar skill, effort and responsibilities.

12. At all times relevant hereto, Schultz and the male Research Administrators performed their duties as Research Administrators under similar working conditions.

13. The differential in pay between Schultz and the male Research Administrators was not the result of a seniority system.

14. The differential in pay between Schultz and the male Research Administrators was not the result of a merit system.

15. The differential in pay between Schultz and the male Research Administrators was not the result of a system that measures earnings by quantity or quality of production.

16. The differential in pay between Schultz and the male Research Administrators was because Schultz is female and the other Research Administrators were males.

**COUNT 1**  
**THE STATE OF WISCONSIN VIOLATED THE EQUAL PAY ACT**

17. Plaintiff restates paragraphs 1 - 16 as if set forth fully herein.

18. By paying Schultz's male counterparts more than it paid her, as described above, the State of Wisconsin violated the Equal Pay Act.

19. This conduct caused Schultz severe and permanent emotional, psychological and economic injuries.

WHEREFORE, the plaintiff demands a trial by a six person jury on all of her claims for relief, and judgment against the Defendant as follows:

- A. An award of compensatory damages against the defendant that will justly compensate the plaintiff for her losses, including but not limited to economic injuries, emotional distress, and psychological suffering;
- B. An award of plaintiff's reasonable attorneys' fees and costs incurred in this action;

C. Pre- and post-judgment interest; and

D. Such other relief as the Court deems just and appropriate.

Dated this 1<sup>st</sup> day of May, 2009.

**s/ Paul A. Kinne**

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